

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

JAMES BAGLEY,

Petitioner,

VS.

**CIRCUIT COURT OF CALHOUN
COUNTY *et al.*,**

Respondents.

Civil Action Number
1:05-cv-167-UWC

MEMORANDUM OPINION

The Court has carefully considered the entire file in this action, together with the Magistrate Judge's Report and Recommendation, and the objections of the Petitioner, and has reached an independent conclusion that the Report and Recommendation is due to be adopted and approved.

The Court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the Court. In accord with the recommendation, this petition for writ of habeas corpus is due to be dismissed without prejudice to enable the petitioner to exhaust state remedies. An appropriate order will be entered.

Done this 22nd day of April, 2005.

W. W. Benson

U.W. Clemon
Chief United States District Judge